



S P E E C H

OF

HON. DANIEL R. TILDEN, OF OHIO,

ON

THE MEXICAN WAR AND SLAVERY.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1847.

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IN EXCHANGE

FOR

THE SLAVERY QUESTION.

The Bill making Appropriations for the Civil and Diplomatic Expenses of the Government, being under consideration in Committee of the Whole—

Mr. TILDEN said:

Mr. CHAIRMAN: I have been waiting for some time to present a few remarks on this Mexican war, and the present is perhaps as favorable an opportunity as I will get for doing it. This subject has become one of paramount interest in the public estimation, and we shall be held to a strict accountability for the course we pursue in regard to it. My object at this time is to justify the course which I have heretofore, and which I intend hereafter, to pursue upon all questions having relation to this war.

Those with whose views my own coincide upon this subject, have been denounced as wanting in fidelity to the country, and the term "traitor" has not been considered too harsh or offensive to be applied to them. Now, sir, I have no high claim to patriotism; I am not remarkably gifted in that way; and certainly profess none of that extravagant love of country which sometimes manifests itself over the way. I have none of that deep and absorbing love of country which drives out every selfish and personal consideration. This is a virtue much talked of, but very rarely witnessed. I do, however, profess to have some just sense of what is due from the citizen to the Government; and I trust I shall at all times be ready to make every necessary and proper sacrifice for the maintenance of the true interests and honor of my country. And I am not willing to submit to these charges of treason without at least making an effort to defend myself; and this becomes the more necessary at this time, from the new and extraordinary representations which have been made by the President in his last annual message, as to the causes and objects of this war. This message, I presume, has gone to the fireside of every family in my district, and the statements it contains are enforced by all the power which the high and commanding position of the President of this republic is calculated to give to his opinions.

It is true, that I have never felt called upon to support this war; I voted against the first proposition that was introduced here for supplies for its prosecution; and with all the reflection I have been able to give, I have not yet satisfied myself that I erred in giving that vote. I believed then, as I now

believe, that the war was both unjust and unnecessary, and forced upon us by the unauthorized and unconstitutional act of the President; and that it was due to the honor of the country and to the general interests of mankind, that we recede from the position we had been made to occupy. And however little favor these opinions may meet with on this floor, I am constrained to believe they are the opinions entertained by a very large portion of the people of this country. I think we have had an unmistakable expression of popular condemnation of this war. It is to these war measures of this Administration, more than to any other feature in its ruinous policy, that the public mind has been directed; and by them, more than all else, has been effected that most extraordinary political revolution, which the country has undergone within the last few months. And even upon this floor, sir, notwithstanding all that may have been said in its favor, I doubt much if it has many very sincere friends. On the Whig side of the House, I do not understand there is any difference of opinion as to the character of this war. Divest the subject of the difficulty which exists in the minds of certain gentlemen of the power of the Government to recede from this conflict with Mexico without a sacrifice of its honor—leave the question open so that this House might consider and determine upon the causes and objects of the war, and I believe I hazard nothing in saying that the Whigs would be unanimous in opposition to it. The difference of opinion among them is not in fact whether the war shall, or shall not, be prosecuted; but it is a difference of opinion as to the best means of getting out of the difficulty into which we have been plunged by the President. I, of course, cannot be presumed to express confidently an opinion as to what are the private views entertained of this war by gentlemen over the way, not being in their counsels. If they are really in favor of it, or believe that the people have adopted this war of the President's, they have certainly a very odd way of showing it.

I have been informed, Mr. Chairman, that there have been great misgivings among your friends, when they have contemplated their relation to this question. I wonder, sir, if you have never heard it whispered in your party councils, so often convened in this Capitol, that you must get out of this war, or the hopes of the Democratic party would be blasted. I have heard as much; and upon this

ground alone can be explained the extraordinary course which your party have pursued upon this floor in regard to this war. You have acted as though you believed the people were not with you upon it.

You resolved, on the motion of the gentleman from Missouri, [Mr. Sims,] a few weeks since, that the people of this country were too patriotic—yes, too *patriotic*—to refuse any necessary tax for the support of a just war. But why is it, I inquire of gentlemen present—why is it, after having thus unanimously resolved that the people have patriotism enough to support a just war, that you have not made your appeal to that patriotism? I understand that, at the last session of Congress, you so remodelled the revenue system, that no more money was to be received into the treasury than was necessary to meet the current expenses of the Government in time of peace. Nothing, then, in the way of revenue, under the present system, is to be expected for paying off that enormous national debt with which you are now burdening the people of this country. Why not pay as you go in this business, and appeal directly to the people, in the form of taxation, for the means for carrying on this war? Why beg through all the money markets of the Union for these means? Why encounter a loss of millions, by way of discount on your loans? And, above all, why is it that your party, who, for the last ten years, have boasted of their purpose to establish for us an exclusively metallic currency, are now about to fasten upon us one of the vilest systems of paper circulation that ever cursed this or any other country—an issue of twenty-eight millions of treasury notes, based upon nothing for their payment but the broken-down credit of the Government? This you are now about to bring upon the country, with its long train of evils—inflated prices, wild and reckless speculation, ultimate ruin to the laboring classes, and advantage only to the unprincipled and swindling speculator.

Why is it, I again inquire, you do not at once resort to a tax upon the people, and escape the consequences of your present legislation? The answer is, you dare not. You know this war has no popularity with the people, and you are afraid to ask for the means for carrying it on.

The gentleman on my right, the gentleman from Tennessee, [Mr. JOHNSON,] is opposed to a duty on tea and coffee. He objects to a tax on people's stomachs. He is willing to strew the plains of Mexico with the mouldering and shattered skeletons of our brave men, but feels too deeply for the dear people to impose what he calls a tax upon their stomachs. How much better is a man's stomach than a man!

Another Democratic gentleman, equally patriotic, the gentleman from Indiana, [Mr. WICK,] has equally strong objections to a direct tax on luxuries; and thus, by this most happy difference of opinion, the danger of a tax in any form is avoided. Whatever may be the real opinions of the friends of the Administration of this war, however much they may be opposed to it, and whatever fears they may have of its consequences, they are compelled by political considerations to press it on. It has been commenced by them, and they

must give the war popularity, or the war will give them (in the language of the gentleman from Indiana yesterday) *tribulation*. [Laughter.] But enough upon this point.

I proposed in the outset to inquire (and that was my principal object in rising) into the statements of fact which the President has made, and which he has urged to the country as a justification for bringing this war upon us.

His first ground of justification is, that the war was necessary as a means for enforcing an indemnity for claims due by Mexico to our citizens. And first as to these claims: There are many of them no doubt valid, and which Mexico is honorably bound to pay; while there are others (according to the opinion of those who are best informed upon this subject) which she ought not to pay. Many of these losses, for which indemnity is now asked, have resulted from the attempts of our citizens to violate the revenue laws of Mexico. But whatever may be the amount justly due, there is no doubt it would have been long since honorably adjusted, but for the continual outrages which the citizens of this country, with the acquiescence of the Government, have committed upon that defenceless people. And had we paid Mexico, as we once proposed to do, for that of which we have since robbed her, it would have been more than sufficient to have liquidated every demand of our citizens against her. More than fifteen years ago, we offered to purchase Texas from Mexico, and five millions of dollars were offered her for this province. She refused to cede it to us. We renewed the offer; and so pertinaciously and offensively was this subject pressed upon her by our Minister near that Government, that Mexico demanded his recall. Finding all our efforts for an honorable acquisition of this territory useless, the plan was at once set on foot in the southern section of this Union to wrest it from Mexico by force.

How far the adjustment of this question of claims has been embarrassed by this robbery of territory which we ourselves valued at five millions of dollars, I leave to the good sense of this country to decide. I am not one of those who deem it a duty to keep out of view the moral aspect of this question. We are the last people in the world that can afford to be dishonest. This republic must rest upon the virtue and intelligence of the people, or it will fall; and I hold him to be no true friend of the country who will advocate iniquity, either in the home administration of our affairs, or in our intercourse with other nations. But it is true, that an indemnity for claims due our citizens entered at all into the motives of the President in bringing this war upon the country?

Is it true that the man who vetoed the French spoliation bill, turning a deaf ear to the claims of our citizens, who for more than forty years have hung around these doors, asking for that which we, by our treaty with France, solemnly agreed to pay; the man who set at naught the decision of the people in regard to these claims, and trampled the national faith under his feet; the man, too, who, during his whole political career on this floor, distinguished himself by his uniform and uncompromising opposition to private claims,—has this same man all at once plunged

this Government into a war with Mexico, at a sacrifice of untold millions of our treasure, and thousands of the lives of our people, in his zeal to promote the private interest of our citizens? I defy the simplest of mankind to be deceived by this statement. This whole story is an afterthought, got up in order to give popularity to this war, by awakening the national prejudices against Mexico. How was it, sir, during the last Presidential canvass? These claims, such as they are, then existed in all their force; and who among the friends of this Administration at that time talked of war as a means of enforcing their payment? Who among all of your stump orators, from the St. Johns to the Sabine, told us that within a year we were to make a bloody onslaught upon Mexico to enforce these claims? Not one. But, on the contrary, when we predicted that war would be the result of the annexation of Texas, you laughed us in our faces, and declared there would be no war.

But time will not permit me to dwell longer upon this part of the subject. The facts to which I have adverted, however, are sufficient to show that war with Mexico, for the purpose of enforcing an indemnity for claims due our citizens, was among the last ideas that occupied the mind of the President prior to the actual commencement of hostilities.

The next fact to which the President refers, in justification of this war, is, that the territory upon which hostilities were commenced, was within the limits of the United States. To this point I ask the special attention of the committee, for upon it turns the decision of this whole question. For no intelligent man will deny that the cause of this war was the marching of our army to the Rio Grande. The annexation of Texas I have ever considered a flagrant outrage, as well upon the Constitution of the country as of the rights of Mexico. But I waive this, and concede that it was the duty of the President (as I believe it was) to repel the invasion of any portion of the territory which we had acquired by this act of annexation. Was this territory a part of the Republic of Texas? I answer, no. And to prove this, I shall content myself with the examination of one or two facts upon which the President relies in his last annual message for upholding our title to this territory.

The first statement of the President, in order to make out our title, is, "that Texas constituted a part of the ancient province of Louisiana, ceded to the United States in 1803; and that Mr. Pinkney and Mr. Monroe, [during the negotiation of that treaty,] in a note to the Spanish Minister, declared that the limits of Louisiana were the 'Perdido on the east, and the Bravo on the west.'" What use the President proposes to make of this, or what part it is designed to perform in his argument, I confess I am not able to comprehend. And I call upon his friends here to explain how it is, that he has gone back of our treaty with Spain, and our subsequent treaty with Mexico, in order to make out this title. There was a doctrine contended for, a few years ago, at the other end of the Capitol, in order to prostrate Mr. Webster for the very distinguished services he rendered the country in concluding the treaty of Washington, "that the Government had no power to make a treaty

of limits upon the principles of compromise and 'concession, of grants on one side for equivalents on the other.'" Our President was then, I believe, a convert to this doctrine; but never was the doctrine carried so far as to abrogate a treaty which had been ratified by the Government. And, sir, the President cannot, with much propriety, at this time object to a treaty concluded upon principles of compromise; for if there be anything by which his Administration will be remembered, it will be the distinguished compromises he made in concluding the Oregon treaty. I once more inquire of his friends here, Why the President has gone back to the Louisiana treaty? Why he has referred to the declarations of Messrs. Pinkney and Monroe, made during the negotiation of that treaty? He who has complained so much of the bad faith of Mexico, does he mean to disregard the faith of his own Government, twice plighted by treaty, and by which we have acknowledged the title to this territory to be in Mexico? I might leave the President's friends to answer these inquiries, but I answer for them. The President does not intend to avow a disregard of these treaties, but he has employed this poor artifice to betray the public judgment into a false view of the real character of this war. Thus much for our title to this territory by virtue of the Louisiana treaty.

Now, sir, there is one other ground of title put forth by the President in his last message, to which I ask the attention of the committee. However, before I proceed to this, let me say, that men of all shades of opinion upon this question of territory, agree, that the western boundary of Texas, as one of the States of the Mexican confederacy, was the river Nueces. And the question now is, by what means Texas has extended her title two hundred miles beyond this river to the left bank of the Rio Grande.

Upon this point the President in his message says, "that Texas extended her civil and political jurisdiction over this country up to that boundary." Sir, what was this civil and political jurisdiction of which the President speaks? The country have a deep interest in knowing; and this Administration has never made itself intelligible upon this point. And I charge here, fearless of successful contradiction, that the whole argument of the President and his friends upon this subject of jurisdiction, has been false and deceptive throughout. The whole country between these two rivers has been grouped together and treated as a whole. We have heard much of the country *beyond* the Nueces and *between* these two rivers. We have heard of this country being represented in the Texan Congress and the Texan Convention, of the establishment of custom-houses and land offices, of the laying out of post-roads, the organization of courts, &c. Now, sir, all these representations, from which the people are left to infer that the complete sovereignty over this whole country between these two rivers was vested in the republic of Texas, is upheld by the simple fact that she had possession of, and exercised jurisdiction over, a small corner of the department of Tamaulipas, the town of Corpus Christi three miles beyond the Nueces, and a small portion of the adjacent country. This is the jurisdiction *beyond* the Nueces, and this is the

jurisdiction over the country *between* the two rivers, so much talked of by the President and his friends. And if this be not so, let any gentleman who hears me contradict it, for I desire to be right in these matters. I aver, and aver it here, that opportunity may be given to contradict it if it be not true, that this whole story about the jurisdiction of Texas over this territory rests upon no other foundation than this.

Again and again have we called on the friends of the President to state where, how, and when jurisdiction over this country was exercised, but they have maintained a studied silence on the subject. The beauty and force of their argument consisted in keeping dark on these points. To this, I believe there is but one exception. The gentleman from Tennessee, [Mr. STANTON,] with very great indiscretion, as it appeared to me at the time, did attempt to inform the House of the manner in which this jurisdiction had been exercised. First, he informed us that this whole territory had been divided into two great counties, San Patricio and Bexar. He further informed us that Texas, in December, 1836, organized inferior courts in these counties, and at the same time established a land office and land district there. But where was the land office? The answer is, at Corpus Christi! He also stated that in June, 1837, Texas established a collection district extending to the mouth of the Rio Grande. But where was the custom-house? At Corpus Christi. So the gentleman's argument proves, what every intelligent man who has examined this subject well knew before, that the only jurisdiction actually exercised over this country, was exercised at Corpus Christi; and that all the other acts of Texas by which she claims title to this territory are acts upon paper, and give her as much right, and no more, as Pennsylvania would acquire to territory in Maryland, by resolving in her Legislature that such territory belonged to her. But this is not all. The country between these two rivers, as we know, has a great natural division—a desert which separates the waters of the Nueces from those of the Rio Grande, and that the only inhabitable country lies along the banks of these two rivers. I choose separately to consider the question, how it is we have pushed our claim across this desert to the territory lying upon the Rio Grande. What pretence of title can Texas set up to this section of country? What jurisdiction has she ever exercised here? Has she ever organized a court, erected a custom-house, a land office, established a post road, or maintained military possession of one foot of this territory? Can any gentleman point me to a single fact which can be tortured into an act of sovereignty, and upon which we can base a claim to this territory? No; it cannot be done. The gentleman from Texas, [Mr. PILLSBURY,] a few days ago, was interrogated upon this subject, and in a short speech made what I considered a lame and impotent effort to give color to our claims; but lame and impotent as it was, no doubt the very best that could be made. He informed us that Mexico had no soldiers east of the Rio Grande, except at the small town of Laredo; that nowhere east of that river was there any Mexican force permanently maintained adequate to keep possession. It is, then, because

Mexico has not maintained an armed force among her peaceable inhabitants on the Rio Grande adequate to repel invasion, that we become entitled to their territory! The gentleman refers us to no acts of Texas by which her title is to be made out, and for the very sufficient reason that none exist to which he can refer.

Sir, our first impression with regard to this claim of Texas to the territory upon the left bank of the Rio Grande was correct. At the time the Tyler treaty was pending in the Senate, Mr. Benton introduced in that body this resolution:

"Resolved, That the incorporation of the left bank of the Rio del Norte into the American Union, by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a part of the Mexican departments of New Mexico, Chihuahua, Coahuila, and Tamaulipas, would be an act of direct aggression on Mexico; for all the consequences of which the United States would stand responsible."

Now, if the incorporation of this territory by treaty into the American Union be an act of direct aggression on Mexico, I beg to be informed why it is the marching of our army there, and driving out her inhabitants, was not an act of direct hostilities on Mexico? Yet this same gentleman, with that moral and political inconsistency which has marked his course, on the war bill of the last session, avowed that the attempt to repel the invasion of this territory by Mexico was the "shedding of American blood upon American soil."

In this resolution the whole country at that time concurred; and I know there was then but one opinion in this House upon that subject, and that opinion we expressed in the annexation resolutions, in which we refused to recognise the boundary by which Texas had extended her limits to the Rio Grande. But in this, as in all other matters that relate to the annexation of Texas, the private views of the President prevailed over the opinions of the people. No sooner were the annexation resolutions adopted, than we find an agent of the President in Texas, giving assurances, in disregard of the law of Congress, that if the overture of annexation was accepted by them, this Government would guarantee their claim of territory to the Rio Grande. This agent, Mr. Donelson, in his despatch to the Secretary of War, dated July 11, 1845, says: "I have encouraged no aggressive movement to take forcible possession of the Rio Grande. I have nevertheless omitted no opportunity of satisfying all parties here that the United States would in good faith maintain the claim, and that I had every reason to believe they would do so successfully." This is the bargain we are now enforcing at a sacrifice of so much of the blood and treasure of the country.

And this Mr. Donelson in this despatch furnishes to the Secretary the grounds upon which we must base our title to this territory. He says "the grounds upon which this claim appears to him *defensible* are, first, the revolutionary right of Texas to enforce such a political organization as they may deem necessary to their happiness; second, the acknowledgement of Santa Ana, by whose concessions in 1836 his army was allowed to return to Mexico, and carry with them valuable arms and munitions, by which Texas was prevented from following up the advantages of victory, among which was the opportunity of establishing herself on the Rio

Grande; third, *the capacity of Texas, if not now, at least in a short period, to establish by force her claim to this boundary*; fourth, the United States, after annexation, in addition to the foregoing grounds, will have the older one founded on the Louisiana claim; but fifth, and lastly, to which all these considerations are but subsidiary, *the necessity* which exists for the establishment of the Rio Grande as the boundary between the two nations."

Here, then, are the grounds of our title, as furnished by the President's own agent, after carefully consulting with the most distinguished men in Texas. They are in fact the grounds of title which Texas herself has furnished to the world: and what are they? Let me repeat them: 1st. The revolutionary right of Texas, which has no application to this case. 2d. The agreement of Santa Ana, (not a treaty, as the President contended in his message,) by which he was permitted to return to Mexico, thereby depriving Texas of the opportunity of establishing herself on the Rio Grande. 3d. The capacity of Texas, *if not then, in a short time, to establish her claim to this boundary by force*. 4th. Our title by the Louisiana treaty. And lastly, and to which all these other grounds of title are but subsidiary, *the necessity* which subsists for making the Rio Grande the boundary between the two countries. Here is all that can be said of our claim. This claim, Mr. Donelson was qualified to present in all its force. He made up his opinions upon the best authorities; and here is the summing up of his investigation; and the grounds, as he has given them to us, upon which we are to rest our claim to this territory, amount to this and no more: that we deem the territory necessary to us, and have power to wrest it from Mexico. Sir, the highwayman could make out an equally valid claim to the traveller's purse. Sure I am, that there is not to be found in the history of modern civilized nations an instance of grosser outrage than the seizure of this Mexican territory upon the grounds set forth by this agent of the President.

And now, sir, how stands the case? Is it true, as the President has asserted, that the left bank of the Rio Grande was a part of Texas, which the Constitution made it his duty to defend? Is it true, as he stated at the commencement of hostilities, that "American blood had been spilt upon American soil?" And is it true, as you stated in your preamble to the war bill, "that whereas, by the act of Mexico, war exists between that republic and the United States"? I cannot hope for a candid answer to these inquiries from the majority upon this floor. You have placed yourself in a position where you cannot answer them. But I am not mistaken in the response that will be given to them by the moral and intelligent portion of the people of this country. They will soon speak to you their views of this subject, and their condemnation of this war, in a language that you will not be likely to misunderstand.

I have voted against this war from a belief that it was commenced by the President, and not the people, in pursuance of that corrupt contract to which I have referred, made between him and the people of Texas. I voted against it, because I was not willing to sanction the outrage upon the Constitution, committed by the President in commencing this war.

I voted against it, because I believed it to be a war of conquest and aggression, having for its ulterior object the extension and perpetuation of human slavery. I have voted against supplies for its prosecution, because I believed the best means for securing a speedy peace between the two Governments, and of maintaining the true interests and honor of the country, would be to withdraw our army within the limits of the United States.

Now, sir, to what advantages can the friends of the war point me that will be likely to result from its further prosecution? What are we to gain by this waste of treasure and havoc of human life, that any true friend of the country can rejoice at? If there be anything, no gentleman upon this floor has as yet pointed it out. I believe the opinion is fast gaining ground here, that this is to be a war without results; or, if any, they will be unmitigated disaster to the country. No one anticipates any other possible result than the further conquest of Mexican territory; and, sir, when this is effected, you will have a question presented that will shake this Government to its foundations. The question whether slavery shall be extended over the conquered territory, will at once come up for consideration. Southern gentlemen have already said upon this floor, that the South will never consent that any portion of this conquered country shall come into this Union as free territory. I know that there is an equally firm determination on the part of the North that it shall not come in as slave territory. And I warn gentlemen of the South not to deceive themselves upon this subject, by relying upon the past action of the North on this great question. There will be no more concessions upon the part of the North. The people have taken this subject into their own hands; and never, since the organization of the Government, was there a deeper interest awakened in regard to it than at this time. And, sir, after the present session, you will have from our section of the Union no more corrupt politicians upon this floor, who will be found truckling to this gigantic slave power. The gentleman from South Carolina, [Mr. Burr,] when he said the other day that there was a rapidly-growing feeling at the North against slavery, was entirely right. The time was, when northern politicians were upon this floor aiding you even in gagging their own constituents; but that time has gone by forever. If you count upon aid from this class of men, you count without your host. I will not say that your old allies, for political purposes, may not again combine with you to promote this slave interest; if they do, and that purpose is known at home, very few of them will ever be able to find their way into this Hall. You will have men hereafter from the free States upon this floor whose faces will be set as a flint against the further expansion of slavery, or the further increase of the slave power of this Union.

I know this is a very exciting question, and one which appeals upon both sides to the strongest feelings of our nature; and in giving a candid expression of my views, I may endanger the social relations which exist between me and certain gentlemen whose opinion is upon this subject are the very extremes of my own. But we have arrived

at a crisis in the history of this institution of slavery, and it is due to ourselves and our common country that there be no concealment of our views with regard to it. Let the feelings of the different sections of this country be made known, so that in the future action of this Government concerning slavery, we may know what are to be the consequences. In presenting my own views I shall endeavor to present the views of the section of country I represent. I need not say I hold slavery to be wrong in itself, and a flagrant outrage upon the rights of humanity. And, sir, if our human nature can be taught upon this subject, then have I been taught these opinions by those who in their day were among the most distinguished men in the slaveholding section of this Union. I adopt the statement contained in our Declaration of Independence, in the sense in which it was understood by its author: "I hold these truths to be self-evident that all men are created equal; and that 'they are endowed by their Creator with certain 'inalienable rights; and that, among these, are 'life, liberty, and the pursuit of happiness.'" These were sentiments of universal acceptance at the formation of the Government. But they are now not only denied in practice, but even their principles are gravely controverted.

I content myself with this brief exposition of my views of slavery, and now ask, for a very short time, the attention of the committee to its condition at the formation of the Government; the estimation in which it was held by all parties in that day; its extension, and the means by which that extension has been effected.

I have been led to believe from the history of those times, that at the organization of the Government, slavery in this Union was upon the decline. It had been abolished in many of the northern States; and in other of those States, where it still existed, efforts were then being made for its speedy abolition. The spirit of that day was against it. It was rebuked by those principles which brought the Government into being; and the distinguished men in all sections of our country looked forward to a day, not distant, when it would be abolished throughout the Union. Certain it is, that no one at that time contemplated that this institution would enlarge itself, and that this republican Government, based upon the doctrine of the equal rights of men, would be balanced between free and slave institutions. And, sir, I aver that the extension of slavery in this country has been in violation of the intentions and expectations of those who framed the Government.

The ordinance for the government of the Northwestern Territory was enacted by the Continental Congress the same year that the Constitution was adopted, and that portion of the ordinance which forever prohibited slavery from that territory received the unanimous support of the members representing the slaveholding States in that Congress. This constituted all the territory then belonging to the United States. I do not understand that the purchase of Louisiana, or any other territory, was, at that time, anticipated by any one. Here, then, was presented the question, whether any new States thereafter to be brought into the Union should have power to hold slaves? And it

is most extraordinary, if there was a public sentiment in any portion of the country favorable to the extension of slavery, that it did not manifest itself on this occasion. The restriction of slavery to its then existing limits seemed to have been conceded as a matter of course, and as one of the necessary results of carrying out the principles upon which the Government was founded.

But this is not the only evidence of what was the public sentiment of that day in relation to slavery. I might refer the committee to the declarations of a long list of distinguished southern gentlemen, to show what the opinions of the South were at that time upon this subject. I might refer to the opinions of Washington, Jefferson, Marshall, Wythe, Pendleton, Mason, and many others; all of whom expressed opinions of slavery, which, when now uttered, are regarded by the descendants of those great men as the ravings of fanaticism.

The year before the adoption of the Constitution, a Doctor Price, of England, published a pamphlet against slavery, which was circulated in Virginia and other States. It was what would be now called an abolition tract—such as are sometimes put forth in New England and other free States, and when they get south of Mason and Dixon's line, are burnt upon the public squares by the common hangman. I will read a letter from Mr. Jefferson to Doctor Price concerning this pamphlet, for the purpose of showing what were then his opinions upon slavery.

Here Mr. T. read from the 1st volume of Jefferson's Works, page 268, as follows:

"Your favor of July 2d came duly to hand. The concern you therein express as to the effect of your pamphlet in America, induces me to trouble you with some observations on that subject.

"From my acquaintance with that country, I think I am able to judge with some degree of certainty of the manner in which it will have been received. South of the Chesapeake, it will find but few readers concurring with it in sentiment on the subject of slavery. From the mouth to the head of the Chesapeake, the bulk of the people will approve of it in theory, and it will find a respectable minority ready to adopt it in practice; a minority which, for weight and worth of character, preponderates against the greater number who have not the courage to divest their families of a property, which, however, keeps their consciences unquiet. North of the Chesapeake, you may find here and there an opponent to your doctrine, as you may find here and there a robber and murderer, but in no greater number. In that part of America there being but few slaves, they can easily disencumber themselves of them; and emancipation is put in such a train that in a few years there will be no slaves northward of Maryland. In Maryland, I do not find such a disposition to begin the redress of this *criminality* as in Virginia. This is the next State to which we may turn our eyes, for the interesting spectacle of *justice in conflict with avarice and oppression*, a conflict where the sacred side is daily gaining recruits from the influx into office of young men grown and growing up. These have sucked in the principles of liberty, as it were, with their mothers' milk, and it is to them I look with anxiety to turn the fate of this question. Be not therefore discouraged. What you have written will do a great deal of good."

These are the opinions of Jefferson, at the time the Constitution was adopted. And it is evident he believed that there were causes then operating that would abolish slavery throughout the Union. He says that "justice was in conflict with avarice and oppression, and in this conflict the sacred 'side was daily gaining recruits.'" But the gentleman from South Carolina, [Mr. Sims,] told us a

day or two ago, that slavery was a divine institution, and that all Abolition movements had their origin in infidelity. Now, inasmuch as Mr. Jefferson was in France at the time of writing this letter, the gentleman may presume that these wicked impressions of slavery were given to his mind by French infidels: [Mr. Sims. Yes, sir, nothing but French infidelity.] I will then give the gentleman the opinions of another distinguished southern man of that day, who, it cannot be presumed, was under such influence. I refer him to the opinions of Colonel Mason, contained in a speech made in the Virginia Convention upon that clause in the Constitution of the United States which prohibits the African slave trade. It shows what were his views of the divine character of this institution. This speech may be found in the fourth volume of Elliot's Debates. Mr. Mason said: "The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be punished in this." I might multiply quotations, and show that these views of Mr. Mason were the views entertained by all the leading men of the South at that time. And can it be supposed that they desired the extension of slavery, and the accumulation of those horrors alluded to by Mr. Mason in this speech? I will not do such gross injustice to their memory, as to suppose it. Let those who are the natural guardians of their fame upon this floor, do it if they like.

Now, what has been the history of this institution from that day to this? It has been one of constant encroachment upon liberty. Here, in the first place only by permission, and its existence barely tolerated, it has, by that combination which this interest is always capable of making against the free States, enlarged and strengthened itself, until it has become the directing and governing power in this country. And while gentlemen have constantly cried out to us of the free States, "Hands off," it has been, through the agency of the General Government, that this enlargement of slavery has been effected. The interests of the country required the purchase of Louisiana, and the purchase was made with fifteen millions of our money. It became the territory of this professedly free republic; but no sooner was it ours, than this interest seized upon it, and converted its fairest portions into slave States. So it was with Florida, which we purchased at an expense of five millions more; and this, too, slavery appropriated to herself. But not content with these helps, which it has received from the General Government, it has gone out of the limits of our Union for territory, over which to spread this system of oppression.

This is a brief outline of the views entertained on this subject in my section of the country. And I believe that it is the view generally entertained in the free States. And depend upon it, whatever territory you may acquire from Mexico, by conquest or otherwise, will never, with the consent of

the North, come into this Union as slave territory. We have paid the last dollar, and fought the last battle, in the cause of oppression, in my opinion.

During the progress of this argument, frequent allusion has been made to the Missouri compromise, (so called,) and southern gentlemen have contended that by this pretended compromise, the North have assented to slavery in all territory south of $36^{\circ} 30'$. I have recently taken pains to examine into the history of this much-talked-of compromise, and found it, what I expected to find it, a device got up by the South, and laid hold of by northern politicians to justify them at home for their subserviency in the cause of slavery. There never was such a compromise. There cannot well be a greater perversion of language than to call these proceedings a compromise. It seems, when the bill for the admission of Missouri as a State into the Union was before the House, a proviso was ingrafted upon the bill, prohibiting slavery in that State, which proviso was in these words:

"There shall be neither slavery nor involuntary servitude in said State, otherwise than in the punishment of crimes; whereof the party shall have been duly convicted."

This proviso or amendment was sustained by a very decided majority in the House, and in this form the bill went up to the Senate. The Senate disagreed to this amendment of the House. A committee of conference was had, and the managers on the part of the House recommended that this clause in the bill be stricken out, and that the following proviso be added to the bill:

"That in all that territory ceded by France to the United States under the name of Louisiana, and which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited."

The question came up in the House upon striking out that clause in the bill which prohibited slavery in Missouri. This was the test vote, and here it is we are to look for a compromise if any such existed. I find, sir, upon analyzing this vote, that there were thirteen northern men, all told, who voted for striking out; four of whom were from Massachusetts, two from Connecticut, two from Pennsylvania, two from New York, two from New Jersey, and one from Rhode Island. Ohio was represented upon this floor at that time by four members, and I am happy, and proud, too, to have it in my power to say that none of them went for striking out this prohibitory clause in that bill. The free States then had in this House ninety-nine members, and the meager minority of thirteen, we are told, irrevocably committed the North to the extension of slavery south of $36^{\circ} 30'$. Those men, sir, were northern deserters; they disregarded the well-known will of the North, and I might add, the dictates of justice and humanity, in voting with the South on that question. And did the North by any act of theirs afterwards acquiesce in or approve of the vote of these thirteen men? No, the facts are notoriously the contrary of this. There was a general feeling of indignation towards them for this vote throughout the entire North. So intense was this feeling, as is well known to many gentlemen here, that on returning to their homes, many of these men were followed by the hisses

and execrations of their incensed constituents. They were regarded as the betrayers of the North, and very few of them were able to live down the consequences of that vote. Most of them went into obscurity, and have never since been heard of in political life. Some two or three of them were, by peculiar circumstances, again restored to the confidence of the people. So far from the North acquiescing in this vote, there were the strongest demonstrations on her part against it. And as further proof of this, I ask the attention of the committee to certain resolutions of the New York Legislature, passed the very next year after this vote was given.

These are the resolutions:

"Whereas the inhibiting the further extension of slavery in these United States is a subject of deep concern among the people of this State; and whereas we consider slavery an evil much to be deplored, and that every constitutional barrier should be interposed to prevent its further extension, and that the Constitution of the United States clearly gives Congress the right to require of new States not comprised within the original boundaries of these United States, the prohibition of slavery as the condition of their admission into the Union: Therefore,

"Resolved, That our Senators be instructed, and our Representatives in Congress requested, to oppose the admission as a State into the Union, of any territory not comprised as aforesaid, without making the prohibition of slavery therein an indispensable condition of admission."

We see by these resolutions that New York did not regard herself compromised upon this question of slavery, by the vote on the Missouri bill. In these resolutions she instructs her Senators and requests her Representatives in Congress to vote against the admission of any State into the Union, wherever located, whether north or south of thirty-six-thirty, unless by the constitution of that State slavery should be forever prohibited. And these resolutions, as I have learned, were called forth by the indignation that was felt throughout that whole State at the course taken by her two Representatives upon that bill. But New York was not alone; the other free States entertained the same views. All regarded the vote of these thirteen northern men, by which the clause in that bill prohibiting slavery was stricken out, and this pretended compromise clause inserted, as an act of treachery to the North.

There are other unanswerable objections which I might urge against the right of the South to insist on this vote as a compromise. First, the want of power in Congress, by an ordinary act of legislation, to restrain or limit the action of the people upon a question of this character. In the second place, the very compromise which the South here sets up, they have themselves disregarded. Texas was admitted into this Union by the unanimous voice of the South, with a boundary extending far north of this compromise line, and with a constitution which not only authorized slavery, but prohibited her legislature from abolishing it. And even at the present session we have seen southern gentlemen very unanimously voting against a provision for excluding slavery from Oregon. I find gentlemen's opinions of this compromise vary according to the circumstances or according to the objects designed to be promoted. Whenever slavery is to be extended, then it furnishes no obstacle; but when any measure is before us for limiting

or restraining slavery, then this compromise is thrust into our faces.

But suppose there was in the vote upon the Missouri bill a compromise between the North and South, how can it be made to apply to territory in Mexico? By the very terms of this clause, insisted on as a compromise, it only applied to the Louisiana purchase. Its language is, "all that territory ceded by France to the United States lying north of thirty-six degrees and thirty minutes north latitude, slavery shall be forever prohibited," &c. Now, no one will pretend that this Mexican territory is a part of the Louisiana purchase, unless, like President Polk, they go back of our treaties with Spain and Mexico, by which we conceded this territory to be no part of that purchase. No one, during the progress of this discussion, I believe, has advocated this disgraceful doctrine. Whatever pretext, then, the South may resort to in order to give color to this extension of slavery in Mexico, this Missouri compromise will be among the last that will be likely to find favor at the North. For myself, I acknowledge no compromises in relation to slavery except the compromises of the Constitution, and those we shall abide by so long as they are adhered to on the part of the South.

There is one other matter to which I wish to refer before I take my seat. An effort is making here to give a new character to this war. Certain gentlemen of the northern Democracy tell us the war is not to be prosecuted for the extension of slavery, but for the conquest of free territory, to counterbalance that which we acquired by the annexation of Texas. I am much mistaken in the people of the free States if they are willing to prosecute the war for this object. It is true the annexation of Texas has awakened a very deep anti-slavery feeling at the North. They regard it as a triumph of the slave power. And in truth it never had any very sincere friends there, even among those who gave it their support. It was sustained upon party considerations; and these having subsided, the measure is now left to be judged of upon its merits; and this "sober second thought" of the people is not very favorable to the political prospects of those northern politicians who aided in bringing this misfortune upon the country. Now, it is to be supposed, as a matter of course, that gentlemen here will attempt to avoid these consequences which have already overtaken them, as the recent elections show. To effect this, nothing would more naturally suggest itself than to consult this northern feeling against slavery. But they cannot separate themselves from the war; and thus it is that gentlemen are now endeavoring to raise the impression that the war is a northern measure; the antagonism of slavery, and the means by which the balance of power between the free and slave interests of the Union is to be restored. This balance of power the people of the free States might desire to see restored; but I do not believe they will consent to a second robbery of Mexican territory to accomplish it. But what assurance have we that this territory, when acquired, will be free? This is a question that deserves to be very carefully considered, for we have already sufficiently cursed our race by the extension of our territory; and I understand that the public

opinion of the free States is irrevocably made up, that it will consent to the admission of no more slave territory into this Union. But can you preserve this conquered territory free from the pollution of slavery? I think we ought to have learned enough by this time of the desperate energy and lawlessness of slavery to know that it will overleap any barrier that you may interpose to its progress, and spread itself over every square mile of this territory you may conquer. From the location of this country, its climate and productions, it must necessarily be settled by a southern population, who will carry with them into the country their slaves, and then, basing themselves upon that doctrine already advocated on this floor, that the Territories of the Union have a right to govern themselves by their own laws, and to shape their own internal policy according to their own will, slavery will be established in due form. What then will be our remedy? We may talk, to be sure, of the unconstitutionality of these proceedings: and what will that avail us? It will be like whistling down the wind. We shall have the choice of two things—either to submit, as we have done to the unconstitutional acquisition of Texas, or dissolve our present Government. Now, sir, I have no disposition to press this subject to such a fearful issue. It strikes me that the true ground for every man sincerely opposed to the further extension of slavery is, to oppose the further acquisition of territory. And if we cannot successfully take our stand here, then I am prepared for ulterior measures; and, deplorable as I believe the consequences will be, I much prefer them to the extension of slavery.

But these gentlemen who are prosecuting this war of conquest have not, by their action either during this or the last session of Congress, evinced any very strong opposition to the extension of slavery. At the last Congress, as I have already said, by the annexation resolutions, declared to be the fundamental law of union, slavery was excluded from all territory north of 36° 30'. This is the language of the resolutions: "And such States as may be formed out of that portion of said territory lying south of thirty-six degrees and thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with, or without slavery, as the people of each State asking admission may desire; and such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery and involuntary servitude, except for crime, shall be prohibited." Yet, when Texas came to be admitted as a State into this Union, with a constitution extending slavery to all territory north of this compromise line, these gentlemen gave it their support, in violation of the resolutions which, by their terms, were declared to be the fundamental law of annexation. How this vote can be reconciled with opposition to the extension of slavery, I leave for these gentlemen to settle. And, again, at this session, these gentlemen are willing to establish the western boundary of Texas at the Rio Grande, where they know she has no more title than to the West Indies. No one will pretend that the territory on the left bank of the Rio Grande is now stained with the foot-print of a slave. No fetters

now clank upon that soil. Mexico, however, unenlightened in the theory of civil government, has manifested far more regard for the principle of human liberty than the people of this country. She acted consistently with her republican professions, and, in 1829, abolished slavery throughout her dominions; and abolished slavery upon that very soil where you are now seeking to reestablish it. And yet gentlemen tell us at the same time, they are opposed to the extension of slavery. If you are willing to extend slavery to the Rio Grande, and throughout all that vast territory claimed by Texas lying between this river and the Nueces, I do not see why, upon principle, you can object to the extension of slavery throughout all Mexico. It is in vain to take shelter under the plea that the Rio Grande furnishes a natural boundary between the two countries. It is not so. It is no boundary and never can be a boundary between free and slave institutions. And if peace be concluded between the two governments to-morrow, fixing on the Rio Grande as the boundary, it will be but an armed peace, and a year would not pass away before slavery would furnish new cause of war between the two governments. Here is a river, but about three hundred yards across, with a valley fifteen miles broad. Immediately on the right bank of that river, is one of the principal cities in this part of Mexico. Now, how long will it be before your slaves will escape across that river? And will the Mexicans surrender these slaves? No. Their humanity will prompt them not to do it. And can you make any treaty by which they will oblige themselves to do this? Never; for you cannot procure the ratification of any such treaty even by your own Government. Never will there be found, I trust, two-thirds of the United States Senate willing to ratify such a treaty. No man representing the free States in that body will dare to ratify a treaty that provides for the return of unoffending men into bondage. And if these fugitives are not given up, will it not produce a border war between the inhabitants of the two governments? Why, here among ourselves, a people of the same origin, governed by the same laws, and bound together by a thousand social, civil, and political ties, it has gone near to produce this result. How certainly, then, would this cause produce hostilities between a people differing in everything upon which our friendly relations depend—in origin, manners, customs, religion, and even now already deeply exasperated toward each other?

Slave and free institutions can have no intercourse. They cannot exist together in safety; and mountains as tall as the peaks of Chimborazo, would hardly furnish a sufficient boundary between them. There is one boundary which we may adopt with some probability of a continued peace, and that is the desert to which I have referred. It separates the habitable portions of the territory bordering upon the two rivers, by some hundred miles, and although not an adequate boundary for slavery, it is the only one that promises even the hope of permanent tranquillity to the people of the two governments.

Now, can any one believe that the objects of this war—either the conquest of more Mexican

territory, or the establishment of the Rio Grande as the boundary of Texas—will be secured without imminent danger to the interests of this country. I aver it as my solemn conviction, that if either were secured, it would be an event that every sincere friend of the country would deplore. But if we desire it, can these objects be secured? I do not believe it. Mexico never will conclude a treaty with you upon these terms. This is a matter that involves her national existence. You robbed her of one of her provinces—for it can be called by no other name. You, without provocation, invaded others; and when she attempted to repel this unjust invasion, our victorious armies butchered her inhabitants upon their hearthstones; and you now ask a surrender of more than one-third of the fairest portion of her dominions. If this be granted, what hope can she have that you will not seize upon the remaining portion of her possessions, and blot out her very name from among the family of nations?

Had the combined powers of the universe offered to us a series of injuries like those we have inflicted upon Mexico, and then should submit to us a proposition of peace, such as we now propose to that people, what would we decide to do? However gigantic and terrible the power that might be combined against us, would we make this surrender of territory to purchase our peace and our disgrace? Never would we do it! No, never! We would throw the last ball, split the last bomb, and bury ourselves behind the last dike, rather than bring this dishonor upon our name. And what we would do, Mexico, in her pride of country, and from that love of her institutions, inherent in every people, and, above all, from that keen sense of outrage and insult which we have heaped upon her, has already resolved to do. This great nation, I doubt not, could subdue Mexico, were all of her vast resources combined for this object; but it would not be until her fields were whitened, and every mountain gorge choked, with the bones of our dead. And will this enlightened and Christian nation press this war to this dreadful extremi-

ty? It will not. You will be arrested in your bloody career. The people will soon force you to call home your army, and terminate this disgraceful war.

These are some of the reasons which have induced me to oppose this war. My conscience approves of the course I have pursued, and I trust for its vindication to that decision which a just and generous people will yet make upon this subject.

[Mr. TILDEN's hour here expired.]

Mr. McILVAINE obtained the floor, and yielded at request to

Mr. McDOWELL, of Virginia, who said he wished to make an inquiry of the gentleman who had just taken his seat, [Mr. TILDEN,] but could find no pause in his argument to propound it. The gentleman, in his review of the anti-slavery sentiments of the South, produced numerous quotations from numerous gentlemen of distinction: not only of distinction, but of paramount political importance in our country: the opinions of Jefferson, Wythe, Randolph, George Mason, and others in Virginia, on the subject of slavery. I wanted to ask of that gentleman if he could point to a solitary fact in the writings, speeches, or political transactions of either one of these gentlemen, that gives to the General Government any power whatsoever over the subject of slavery, so as to limit it, qualify it, abridge it, or in any manner whatsoever dispose of it?

Mr. TILDEN replied: I think it is true that no southern man ever occupied that ground, with one exception. Mr. Madison, if I recollect right, did contend that the General Government would have power over that question as a war measure; and I wish to say to the gentleman from Virginia [Mr. McDOWELL] that this is my opinion. I deny that this Government has any power over the institution of slavery within the limits of the several States. But at the same time I contend it has the power to restrain the extension of this institution; and that this is a power we are bound to exercise, and confine slavery to its constitutional limits.







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